

O I P E J O I N O
AUG 2 6 2002
PATENT & TRADEMARK OFFICE

#8
8/28/02 3711\$
S. Zimmerman

TRANSMITTAL LETTER			Case No. 2817-228
Serial No. 2820,091	Filing Date March 28, 2001	Examiner Aryanpour, Mitra	Group Art Unit 3711
Inventor(s) Kenneth W. Nimmons			
Title of Invention BASEBALL BASE WITH IDENTIFICATION			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate); Response to Restriction Requirement; Petition and Fee for Extension of Time; Check for \$55.00 for filing fee; Postcard Evidencing Receipt.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.
- ☒ Petition for a 1 month extension of time.
- ☐ No additional fee is required.
- ☐ The fee has been calculated as shown below:

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TECHNOLOGY CENTER R3700

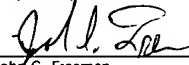
	Claims Remaining After Amendment		Highest No: Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity	
Rate	Add'l Fee
x \$9 =	
x 42 =	
+ \$140 =	
Total add'l fee	\$

Other Than Small Entity	
Rate	Add'l Fee
x \$18 =	
x \$84 =	
+ \$280 =	
Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$ _____. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

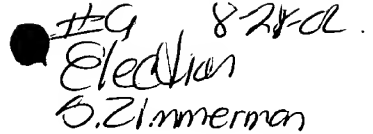

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on August 21, 2002.

Date: August 21, 2002 Signature: 

08/28/2002 SZIMMER 100000003 231925 092



AUG 28 2002

TECHNOLOGY CENTER R3700

August 21, 2002

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)
)
Kenneth W. Nimmons)
) Group Art Unit: 3711
Serial No.: 09/820,091)
) Examiner: Aryanpour, Mitra
Filed: March 28, 2001)
)
For: BASEBALL BASE)
WITH IDENTIFICATION)

RESPONSE TO RESTRICTION REQUIREMENT

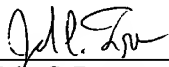
Dear Sir:

This paper is in response to the Restriction Requirement mailed on June 21, 2002. In the Restriction Requirement, it was stated that the inventions of claims 1-18 directed to a base for use during the play of baseball or softball (Invention I) and claims 19-31 directed to a method of retrofitting an existing base for use during the play of baseball or softball (Invention II) were distinct from one another. Applicant elects the invention of claims 1-18 (Invention I) without traverse. Applicant reserves the right to file the invention of claims 19-31 in a divisional

application.

The Restriction Requirement also required an election of species of the base of Invention I between the species shown in FIGS. 1 and 3 (Species I) and the species shown in FIGS. 10 and 11 (Species II). Applicant elects with traverse Species II that corresponds to claims 1-6 and 8-19, where claims 1-6 and 8-19 are generic to both species. It should be pointed out that the base shown in FIGS. 10 and 11 only differs from the base shown in FIGS. 1 and 3 in that it additionally includes an identification label in the form of a release paper with a screen print image added to the top of the base (See page 5, lines 6-10 of Applicant's Specification). Accordingly, the base of FIGS. 10 and 11 includes the cutout 80, label 82, plate 48 and post 42 of the base of FIGS. 1 and 3. Thus, the elected claims and the identification of generic claims are proper. Applicant reserves the right to file a divisional application in order to prosecute the species shown in FIGS. 1 and 3. Applicant traverses the election of species in that there would be significant overlap for the search for the inventions of both species and so there would be no hardship for both species to be searched and examined simultaneously. Accordingly, the election of species should be withdrawn and both species should be searched and examined.

Respectfully submitted,



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Dated: August 21, 2002